

British Rule in India.

Justice Brown in delivering the opinion of the court in the Downes case said:

"Grave apprehensions of danger are felt by many eminent men—a fear lest an unrestrained possession of power on the part of congress may lead to unjust and oppressive legislation, in which the natural rights of territories, or their inhabitants, may be engulfed in a centralized despotism. These fears, however, find no justification in the action of congress in the past century, nor in the conduct of the British parliament toward its outlying possessions since the American revolution."

It marks an epoch in American history when the highest court of the land uses the experience of England to support an attack on written constitutions. It is the most audacious and unblushing surrender of fundamental principles which has occurred in this country. As Justice Brown invites us to consider and admire the conduct of an unrestrained parliament it may not be out of place to look at English rule in India. Below will be found a discussion of this subject prepared for and published in the New York Journal:

In the discussion of a colonial policy for the United States frequent references will be made to England's government of India. The imperialists are already declaring that Great Britain's policy has resulted in profit to herself and benefit to her Asiatic subjects.

The opponents of imperialism, on the other hand, find in India's experience a warning against a policy which places one nation under the control of another and distant nation.

In 1600 the first East India company was organized. Its charter was for fifteen years, but a new and perpetual charter was granted in 1609. Under the reign of Charles II. the company obtained another charter which continued former privileges and added authority "to make peace or war with any prince or people (in India) not being Christian."

The affairs of the company were managed with an eye single to gain, and intervention in the quarrels of native princes resulted in the gradual extension of its influence. Money was the object, and the means employed would not always bear scrutiny. There was, however, no hypocritical mingling of an imaginary "philanthropy" with an actual "five per cent."

In 1757 Lord Clive, by the battle of Plassey, made the company the dominant power in Indian politics, and under Clive and Hastings the income of the East India company reached enormous proportions.

The history of the century, beginning with the battle of Plassey and ending with the Sepoy mutiny in 1857, was written under headlines like the following: "The First War With Hyder Ali," "The Rohilla War," "The Second War With Hyder Ali," "The War With Tippoo Saib," "The War With the Mahrattas," "Suppression of the Pindaris," "The Last of the Peshwas," "The First Burmese War," "The First Afghan War," "The Conquest of Scinde," "The Sekh Wars," "The Conquest of Punjab," "The Annexation of Pegu," "The Annexation of Oudh," "The Outbreak of Meerut," "The Seizure of Delhi," "The Siege of Lucknow," etc., etc.

This brief review is not given because it is interesting, but to acquaint the reader with the imperialistic plan of solving the problem of civilization by the elimination of unruly factors.

In 1858 parliament, by an act entitled an act "for the better government of India," confessed that the management of Indian affairs could be

improved and placed the control in the hands of a Secretary of State for India and a council.

In 1877 Queen Victoria assumed the title Empress of India.

Even if it could be shown that England's sovereignty over India had brought blessings to the Indian people and advantage to the inhabitants of Great Britain, we could not afford to adopt the policy. A monarchy can engage in work which a republic dare not undertake. A monarchy is constructed upon the theory that authority descends from the king and that privileges are granted by the crown to the subjects. Of course the ruling power recognizes that it owes a duty to the people, but while the obligation is binding upon the conscience of the sovereign it cannot be enforced by the subject.

Webster presented this idea with great force in his speech on the Greek revolution. After setting forth the agreement between the allied powers, he said: "The first of these principles is, that all popular or constitutional rights are holden no otherwise than as grants from the crown. Society, upon this principle, has no rights of its own; it takes good government, when it gets it, as a boon and a concession, but can demand nothing. It is to live in that favor which emanates from royal authority, and if it have the misfortune to lose that favor, there is nothing to protect it against any degree of injustice and oppression. It can rightfully make no endeavor for a change, by itself; its whole privilege is to receive the favors that may be dispensed by the sovereign power, and all its duty is described in the single word, submission. This is the plain result of the principal continental state papers; indeed, it is nearly the identical text of some of them."

The English people have from time to time forced the crown to recognize certain rights, but the principle of monarchy still exists. The sovereign has a veto upon all legislation; the fact that this veto has not been used of late does not change the governmental theory and, in India, the application of the theory has deprived the Indian people of participation in the control of their own affairs.

A nation which denies the principle that governments derive their just powers from the consent of the governed can give self-government to one colony and deny it to another; it can give it to colonies strong enough to exact it by force and deny it to weaker ones; but a nation which recognizes the people as the only sovereigns, and regards those temporarily in authority merely as public servants, is not at liberty to apply the principle to one section of the country and refuse it to another.

But, so far from supporting the contention of the imperialists, British rule in India really enforces every argument that can be made against a colonial system of government. In the first place, to authorize a commercial company "to make peace or war with any prince or people (not Christian)," according to its pleasure, was to place the pecuniary interests of a few stockholders above the rights of those with whom they had dealings. Clive and Hastings seem to have acted upon this authority. When the former was called to account he confessed that he had forged a treaty and his conduct was such that parliament was compelled to vote that he "had abused his powers and set an evil example to the servants of the public," but, as he had increased the power of England in India, his condemnation was accompanied by the declaration that he had, "at the same time, rendered great and meritorious services to his country."

The prosecution of Hastings for wrongs inflicted upon the people of India occupies a conspicuous place among the political trials of history. The speeches made against him recall the orations of Cicero against Verres, who, by the way, was also charged with plundering a colony.

Cicero said that Verres relied for his hope of escape upon his ability to corrupt the judges of his day, and it appears that the East Indian company was also accused of polluting the stream of justice only a century ago.

In his speech on the Nabob of Arcot's debts, Burke said: "Let no man hereafter talk of the decaying energies of nature. All the acts and monuments in the records of peculation; the consolidated corruption of ages; the pattern of exemplary plunder in the heroic times of Roman iniquity, never equalled the gigantic corruption of this single act. Never did Nero, in all the insolent prodigality of despotism, deal out to his praetorian guards a donation fit to be named with the largess showered down by the bounty of our chancellor of the exchequer on the faithful band of his Indian scopys."

How little human nature changes from age to age! How weak is the boasted strength of the arm of the law when the defendant possesses the influence purchased by great wealth, however obtained, and the accusation comes from a far-off victim of oppression!

Those who expect justice to be exercised by officials far removed from the source of power—officials who do not receive their commissions from, and cannot be removed by, the people whom they govern—should read Sheridan's great speech portraying the effect of the Hastings policy upon the people of India.

Below will be found an extract:

"If, my lords, a stranger had at this time entered the province of Oude, ignorant of what had happened since the death of Sujah Dowlah, that prince who, with a savage heart, had still great lines of character, and who, with all his ferocity in war, had with a cultivating hand preserved to his country the wealth which it derived from benignant skies, and a prolific soil; if observing the wide and general devastation of fields unclothed and brown; of vegetation burnt up and extinguished; of villages depopulated and in ruin; of temples unroofed and perishing; of reservoirs broken down and dry, this stranger would ask, What has thus laid waste this beautiful and opulent land; what monstrous madness has ravaged with widespread war; what desolating foreign foe; what civil discords; what disputed succession; what religious zeal; what fabled monster has stalked abroad and, with malice and mortal enmity to man, withered by the grasp of death every growth of nature and humanity, all means of delight, and each original, simple principle of bare existence? The answer would have been: Not one of these causes! No wars have ravaged these lands and depopulated these villages! No desolating foreign foe! no domestic broils! no disputed succession! no religious superserviceable zeal! no poisonous monster! no affliction of Providence, which, while it scourges us, cut off the sources of resuscitation!

"No. This damp of death is the mere effusion of British amity! We sink under the pressure of their support! We writhe under their perfidious gripe! They have embraced us with their protecting arms, and lo! these are the fruits of their alliance!"

No clearer case was ever made against a prisoner at the bar, and yet after seven years' trial before the house of lords Hastings was acquitted, not because he was guiltless, but because England had acquired territory by his policy.

Lord Macaulay, in describing the crimes perpetrated at that time against a helpless people, gives expression to a truth which has lost none of its force with the lapse of years. He says: "And then was seen what we believe to be the most frightful of all spectacles, the strength of civilization without its mercy. To all other despotism there is a check, imperfect indeed, and liable to gross abuse, but still sufficient to preserve society from the last extreme of misery. A time comes when the evils of submission are obviously greater than those of resistance, when fear itself begets